

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JESSE M. GARCIA, Individually and as Natural Parent and Legal Guardian of D.G. and J.G., minors)	Case No.: 3:23-cv-497
7114 U.S. Highway 20)	Judge:
Montpelier, OH 43543)	Magistrate:
)	<u>COMPLAINT</u>
and)	Jury Demand Endorsed Hereon
AMY GARCIA, Individually and as Natural Parent and Legal Guardian of D.G. and J.G., minors)	Charles E. Boyk (0000494) Michael A. Bruno (0033780) Andrea R. Young (0096334) Charles E. Boyk Law Offices, LLC 1500 Timberwolf Drive Holland, Ohio 43528 Telephone: (419) 241-1395 Facsimile: (419) 241-8731 cboyk@charlesboyk-law.com mbruno@charlesboyk-law.com ayoung@charlesboyk-law.com
7114 U.S. Highway 20)	
Montpelier, OH 43543)	
Plaintiffs,)	
v.)	
GELCO FLEET TRUST)	<i>Attorneys for Plaintiffs</i>
55295 Huff Roade Dr.)	
Marcellus, MI 49067)	
And)	
KEVIN L. REUTER)	
55295 Huff Roade Dr.)	
Marcellus, MI 49067)	
Defendants.)	

Now comes Plaintiffs Jesse M. Garcia and Amy Garcia, Individually and as Natural Parents and Legal Guardians of D.G. and J.G., minors, by and through the undersigned

counsel, hereby file this Complaint against Defendants Gelco Fleet Trust and Kevin L. Reuter for injuries and damages arising out of an automobile collision that occurred on or about July 9, 2021 in Wauseon, Fulton County, Ohio. In support of their claims, Plaintiffs state as follows:

THE PARTIES

1. Plaintiff Jesse M. Garcia is an individual and resident of Montpelier, Williams County, Ohio.
2. Plaintiff Amy Garcia is an individual and resident of Montpelier, Williams County, Ohio.
3. Defendant Gelco Fleet Trust is a Michigan corporation incorporated under the laws of the State of Delaware with its principal place of business in East Lansing, Ingham County, Michigan.
4. Defendant Kevin L. Reuter is an individual and a resident of Marcellus, Cass County, Michigan.

JURISDICTION AND VENUE

5. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
6. Plaintiffs' claims are brought under 28 U.S.C. § 1332(a)(1), based upon diversity of citizenship.
7. Because Plaintiffs are citizens of the State of Ohio, no Defendant is a citizen of or domiciled in the State of Ohio, and the amount in controversy exceeds \$75,000.00, diversity jurisdiction exists in this Court.
8. Venue is proper in this Court because this action arises from a motor vehicle collision occurring in Wauseon, Fulton County, Ohio, which is located in this judicial district.

FACTUAL ALLEGATIONS

9. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
10. On or about July 9, 2021, Plaintiff Jesse M. Garcia was operating his vehicle westbound on Interstate Route 80 in the first lane in Wauseon, Fulton County, Ohio.
11. At all relevant times, Plaintiff Jesse M. Garcia was restrained by a shoulder and lap belt.
12. At the same time, Defendant Kevin L. Reuter was operating a motor vehicle owned by Defendant Gelco Fleet Trust on Interstate Route 80 in the second lane in Wauseon, Fulton County, Ohio.
13. As Defendant Kevin L. Reuter attempted to merge from the second into the first lane, he struck the vehicle being operated by Plaintiff Jesse M. Garcia.
14. After his vehicle came to a stop, Plaintiff Jesse M. Garcia had to flee from his vehicle in order to avoid being hit by other vehicles on Interstate Route 80 and further injured himself in the process of escaping his vehicle.
15. The Ohio State Highway Patrol responded to the scene of the collision and cited Defendant Kevin L. Reuter for rules for driving in a marked lane, a violation of local ordinance Ohio Revised Code §4511.33(A)(1).
16. Following the accident, Plaintiff Jesse M. Garcia received treatment at Community Hospitals & Wellness Centers Montpelier Hospital, where he was treated for injuries to his left knee and neck.

FIRST CAUSE OF ACTION
(Negligence – Defendant Kevin L. Reuter)

17. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
18. Defendant Kevin L. Reuter owed Plaintiff Jesse M. Garcia a duty of care to adhere to the traffic laws of the State of Ohio and not operate the vehicle he was driving in such a manner that may cause injury to Plaintiff Jesse M. Garcia.
19. Defendant Kevin L. Reuter breached these duties and was negligent by failing to avoid a collision with Plaintiff Jesse M. Garcia's vehicle.
20. As a direct and proximate result of Defendant Kevin L. Reuter's negligence, Plaintiff Jesse M. Garcia sustained serious personal injuries, including but not limited to injuries to his neck and left knee. Plaintiff Jesse M. Garcia was required to undergo medical care, incurred medical care costs, along with other economic losses, and incurred great pain and suffering.
21. Further, Plaintiff Jesse M. Garcia believes these injuries are permanent in nature, that he will require future medical care and future medical care costs, and that he will continue to endure great pain and suffering.

SECOND CAUSE OF ACTION
(Vicarious Liability – Defendant Gelco Fleet Trust)

22. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
23. At all relevant times, Defendant Kevin L. Reuter was an employee, agent, servant, or independent contractor of Defendant Gelco Fleet Trust. Accordingly, Defendant Gelco

Fleet Trust is vicariously liable for the acts of Defendant Kevin L. Reuter described herein.

THIRD CAUSE OF ACTION
(Loss of Spousal Consortium – Plaintiff Amy Garcia)

24. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
25. Plaintiff Amy Garcia is Plaintiff Jesse M. Garcia's legal spouse and has been his legal spouse at all times relevant to this Complaint.
26. Plaintiff Amy Garcia states that she has been deprived of the love, affection, services, consortium, and society of her spouse, Plaintiff Jesse M. Garcia, as a direct and proximate result of Defendant Kevin L. Reuter's negligence.
27. Plaintiff Amy Garcia further states that the enjoyment and quality of her life and her ability to carry on the normal activities of her daily life with her spouse have been impaired as a direct and proximate result of Defendant Joe Doe's negligence.

FOURTH CAUSE OF ACTION
(Loss of Parental Consortium – Plaintiffs D.G and J.G.)

28. Plaintiffs incorporate by reference each preceding and succeeding paragraph as though fully rewritten herein.
29. Plaintiffs D.G. and J.G. are the minor children of Plaintiffs Jesse and Amy Garcia. Plaintiffs D.G. and J.G. state that as the result of Defendant Kevin L. Reuter's negligence, they have been deprived of the love, affection, services, consortium, and society of their father, Plaintiff Jesse M. Garcia. Plaintiffs D.G. and J.G. state that as a result of Defendant Kevin L. Reuter's negligence, their enjoyment, quality of life, and

their ability to carry on the normal activities of their daily life with their father have been impaired.

WHEREFORE, Plaintiffs respectfully request judgment in their favor and against Defendants, in an amount that is fair and just and in excess of Seventy-Five Thousand Dollars (\$75,000.00), in addition to costs and other relief that this Honorable Court deems just under the circumstances.

Respectfully submitted,

/s/ Charles E. Boyk
Charles E. Boyk
Attorney for Plaintiffs

JURY DEMAND

Plaintiff demands a trial by jury on all triable issues.

Respectfully submitted,

/s/ Charles E. Boyk
Charles E. Boyk
Attorney for Plaintiffs